

## GOVERNMENT OF ANDHRA PRADESH

### ABSTRACT

APM&HS – Dr.T.V.R.C.Prasad, Medical Officer, formerly at PHC., Gudlur, Prakasam District now dismissed from service – Disciplinary action initiated on the allegation of involvement of Criminal Case – Further action dropped – Treat the suspension period from 21-11-1999 to 21-05-2002 as “On duty” – Orders – Issued.

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HEALTH, MEDICAL & FAMILY WELFARE (VC.II.1) DEPARTMENT

GO.Rt.No.716

Dated:07-08-2014.

Read the following:-

- 1) Proc.Rc.No.22529/E2E/99, dated:27-11-1999 of the Director of Health, A.P., Hyderabad.
- 2) Charge Memo. in Proc.Rc.No.22592/E2E/2000, dated:06-09-2000 of the Director of Health, AP., Hyderabad.
- 3) Judgment of the Assistant Sessions Judge, Kandukuru dated:18-01-2002 in Sessions Case No.456/2000.
- 4) Letter Rc.No.3118/A2/2001, dated:04-03-2002 from the RDM&HS., Guntur & Enquiry Officer.
- 5) Proc.Rc.No.22529/E2E/99, dated:27-04-2002 of the Director of Health, A.P., Hyderabad.
- 6) Govt. Memo.No.10197/VC.II(1)/2002-05, HM&FW (VC.II.1) Dept., Dated:20-03-2006.
- 7) Representation of Dr.T.V.R.C.Prasad, Medical Officer Dated:08-04-2007.
- 8) Govt.Memo.No.18922/VC.II(1)/2006-03, HM&FW (VC.II1) Dept., Dated:24-10-2007.
- 9) Orders of Hon'ble Tribunal dated:02-04-2012 in OA No.1170/2011.
- 10) Judgment of Hon'ble High Court of Andhra Pradesh, Hyderabad dated:22-08-2013 in WP No.36642/2012.
- 11)Written statement of deposition of Dr.T.V.R.C.Prasad, Medical Officer dated:09-05-2014.

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### ORDER:

Whereas in the Proceedings 1<sup>st</sup> read above orders were issued placing Dr.T.V.R.C.Prasad, Medical Officer formerly at Primary Health Centre, Gudlur, Prakasam District (now Dismissed from the service) and subsequently charges were framed against him in the Proceedings 2<sup>nd</sup> read above on the ground that he was arrested and sent for remand on 23-11-1999 in Gudlur consequent on his involvement in criminal case No.81/1999 U/s – 306 Indian Penal Code of Gudlur Police Station on the allegations that he has threatened Miss. N.Sravanthi, ANM, Primary Health Centre, Gudlur, Prakasam District due to which she committed suicide by hanging herself in her rented house.

2. The Assistant Session Judge, Kandukur acquitted the above individual from the criminal case and subsequently the Regional Director of Medical & Health Services, Guntur who was appointed as Enquiry Officer to conduct regular enquiry in the matter, has submitted enquiry report stating that the charges framed against Dr.T.V.R.C.Prasad, Medical Officer were not proved. Consequently, he was reinstated into the service and posted at Government Hospital, Vinukonda, Guntur vide Proceeding 5<sup>th</sup> read above and accordingly he has reported for duty on 22.05.2002. Disciplinary action against him was also dropped by the Government vide reference 6<sup>th</sup> read above.

(P.T.O)

3. The Government, after examination of the representation submitted by Dr.TVRC Prasad vide reference 7<sup>th</sup> read above, have issued orders in the reference 8<sup>th</sup> read above treating the suspension period from 21-11-1999 to 21-05-2002 as "Not-Duty" in terms of FR-54. Aggrieved by the above orders, Dr.T.V.R.C. Prasad, Medical Officer filed O.A. No.1170/2011 in the Andhra Pradesh Administrative Tribunal praying to direct the respondents to treat the suspension period as on duty with all benefits. The Hon'ble Tribunal in its orders 9<sup>th</sup> read above, allowed the O.A. with a direction to the respondents to treat the suspension period from 21-11-1999 to 21-05-2002 as on duty and award him all the dues for this period.

4. The Government upon examination of the orders of the Hon'ble Tribunal, filed Writ Petition No.36642/2012 in High Court of A.P. against the orders of the Tribunal dated:02-04-2012 in OA No.1170/2011. The Hon'ble High Court in its final judgment dated:22-08-2013 opined that it is a fit case for reconsideration by the Government and allowed the Writ Petition by setting aside the impugned order dated:02-04-2012 passed by the Andhra Pradesh Administrative Tribunal in OA No.1170/2011 and also the order of the Government in Memo.No.18922/VC.II(1)/2006-03, dtd:24-10-2009 with a direction to the petitioners to consider the representation of the respondent dated:08-04-2007 afresh and pass appropriate orders in the light of the provisions in FR 54-B(3) of the Rules and also keeping in view the judgment of the Hon'ble Supreme court in GHMC Vs. M.Prabhakar Rao duly giving an opportunity to the respondent / applicant for hearing before considering his representation.

5. Accordingly, the above individual has submitted his deposition before the Government on 09-05-2014. The Government after careful re-examination of the entire issue with the available material observed that since there are no criminal case and departmental enquiry pending against Dr. T.V.R.C.Prasad, Medical Officer and he has been absolved from them, the suspension of the individual is wholly unjustified. Therefore, Government have decided to treat the suspension period of the individual as on duty for all purposes in terms of sub-rule (3) and (4) of FR 54-B.

6. The Government, therefore, hereby treat the suspension period in respect of Dr.T.V.R.C.Prasad, former Medical Officer, Primary Health Centre, Gudlur, Prakasam District (now dismissed from service), from 21-11-1999 to 21-05-2002 as "On duty" in terms of sub-rule (3) and (4) of FR 54-B in this case.

7. The Director of Public Health & Family Welfare, A.P., Hyderabad shall take necessary action accordingly.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**L.V. SUBRAHMANYAM  
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Dr.T.V.R.C.Prasad, S/o.T.Vedananarayana Rao, 7/2, Pandaripuram,  
Guntur-522002 through the Director of Public Health & F.W, A.P., Hyderabad.  
The Director of Public Health & Family Welfare, A.P., Hyderabad.

Copy to:

The Government Pleader for Services-I, High Court of A.P., Hyderabad.  
The Additional Advocate General, High Court of Andhra Pradesh, Hyderabad.  
The District Treasury Officer, Prakasam District, Ongole.  
The Accountant General, A.P., Hyderabad.  
SF/SCs.

**// FORWARDED :: BY ORDER //**

**SECTION OFFICER**